

---

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

---

Jeffrey R. Werner, Plaintiff, v. Dan Edmund et al., Defendants.	MEMORANDUM DECISION AND ORDER GRANTING MOTION TO AMEND  Case No. 2:20-cv-382 DBB DBP  District Judge David B. Barlow  Chief Magistrate Judge Dustin B. Pead
---	---

---

This matter is before the court on Plaintiff's Motion for Leave to Amend. (ECF No. 17.)<sup>1</sup>

This is a copyright infringement suit. Plaintiff seeks leave to amend to add allegations of newly discovered infringements. Defendants, who are in default, have not responded to Plaintiff's motion, and the time to do so has passed.

Rule 15(a)(2) provides that “[t]he court should freely give leave [to amend] when justice so requires.” *Fed. R. Civ. P. 15(a)(2)*. “The district court has ‘wide discretion to recognize a motion for leave to amend in the interest of a just, fair or early resolution of litigation.’” *Bylin v. Billings*, 568 F.3d 1224, 1229 (10th Cir. 2009) (quoting *Calderon v. Kan. Dep't of Soc. & Rehab. Servs.*, 181 F.3d 1180, 1187 (10th Cir. 1999)). “Refusing leave to amend is generally only justified upon a showing of undue delay, undue prejudice to the opposing party, bad faith or dilatory motive, failure to cure deficiencies by amendments previously allowed, or futility of amendment.” *Id.* (quoting *Frank v. U.S. West, Inc.*, 3 F.3d 1357, 1365 (10th Cir. 1993)).

Here, Plaintiff notes that granting this motion will actually afford Defendants an opportunity to respond and defend against the allegations, rather than face entry of default

---

<sup>1</sup> This case is referred to the undersigned from District Judge David Barlow pursuant to 28 U.S.C. § 636(b)(1)(A). The court elects to decide this motion on the basis of the written memoranda. DUCivR 7-1.

judgment. (ECF No. 17 p. 4.) The court finds good cause to grant Plaintiff's motion. Defendants will not be prejudiced, there is no undue delay, bad faith or dilatory motive by Plaintiff, and Defendants have failed to file any opposition. Accordingly, Plaintiff's Motion to Amend is GRANTED.

IT IS SO ORDERED.

DATED this 2 August 2021.



\_\_\_\_\_  
Dustin B. Pead  
United States Magistrate Judge